



**PLANNING COMMISSION**  
**ACTIONS ONLY**

**Monday, April 21, 2008**

*5:00 p.m. STUDY SESSION*

*Inclusionary Housing & Housing Element Update*

*ROOM LOCATION T-332*

**6:30 p.m. General Plan & Regular Meeting**

**Council Chambers**

First Floor, City Hall Wing

200 East Santa Clara Street  
San José, California

**Ash Kalra, Chair**

**Randi Kinman, Vice-Chair**

**Xavier Campos**

**Lisa Jensen**

**Matt Kamkar**

**Christopher Platten**

**Jim Zito**

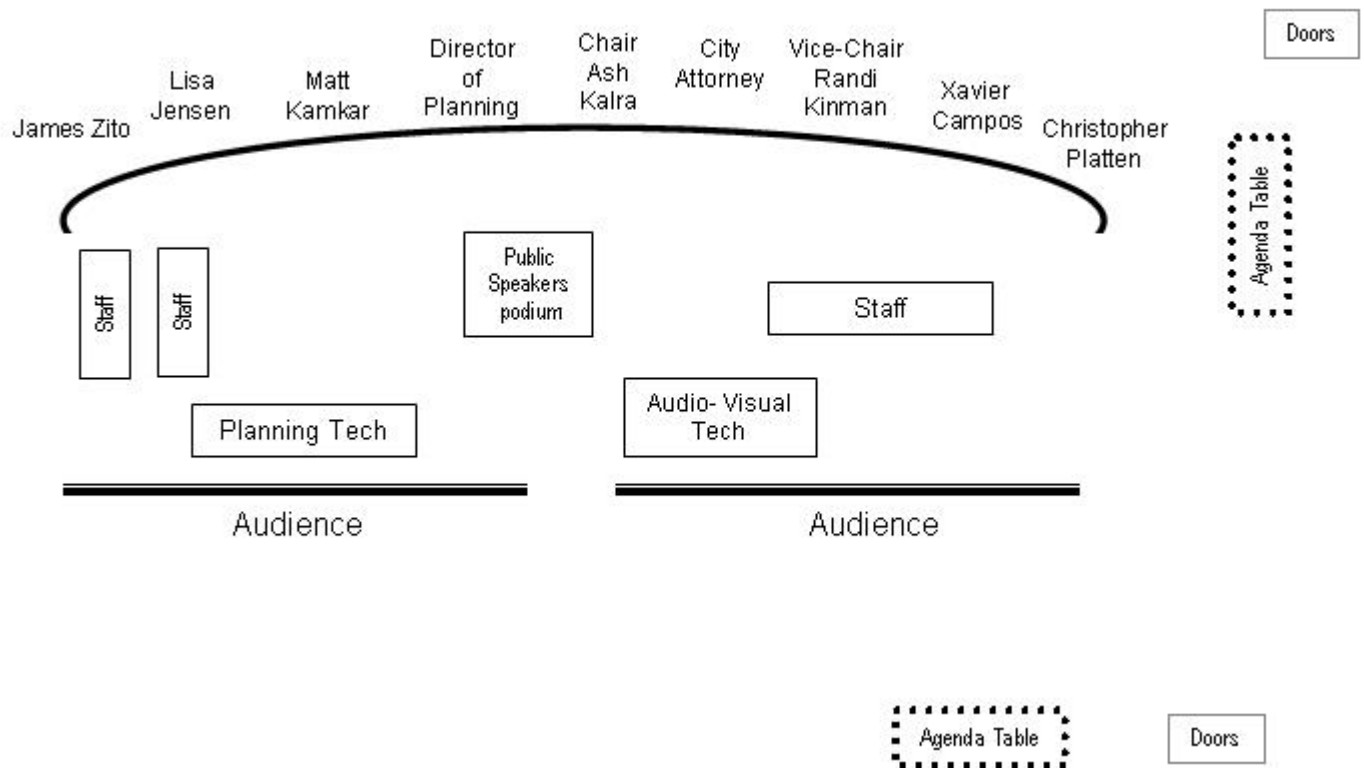
**Joseph Horwedel, Director**

**Planning, Building and Code Enforcement**

**NOTE**

To listen to the audio recording of the planning Commission, please go to the Planning website at: [http://sanJose.granicus.com/ViewPublisher.php?view\\_id=17](http://sanJose.granicus.com/ViewPublisher.php?view_id=17)

The Planning Commission is a seven-member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San José Planning Commission generally meets every 2<sup>nd</sup> and 4<sup>th</sup> Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at [www.sanjoséca.gov/planning/hearings/planning\\_com.asp](http://www.sanjoséca.gov/planning/hearings/planning_com.asp).

Audio for the Planning Commission hearings are recorded and broadcasted live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website: [http://sanjosé.granicus.com/ViewPublisher.php?view\\_id=17#planningCommission](http://sanjosé.granicus.com/ViewPublisher.php?view_id=17#planningCommission).

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

**AGENDA**  
**ORDER OF BUSINESS**

**1. ROLL CALL**

**2. DEFERRALS**

- a. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agenda items past 11:00 p.m., continue this hearing to a later date certain, or defer remaining items to the next regularly scheduled Planning Commission meeting date. To be heard by the Planning Commission no later than 11:00 p.m.
- b. **PDC07-017**. Planned Development Rezoning to allow the demolition of existing structures and the construction of 39 single-family attached residential and 2 live/work lofts on a 0.91 gross acre site located on the west side on Lincoln Avenue extending from West San Carlos Street to the south and Pacific Avenue to the north, excluding the northwest corner of West San Carlos and Lincoln Avenue (James & Tina Jean, Owner). Council District 6. SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration. Deferred from 3/26/08.  
*PROJECT MANAGER, M.ENDERBY*

**DEFERRED TO 05/07/2008 (5-0-2)**

**3. CONSENT CALENDAR**

- a. **NO ITEMS**

**The following items are considered individually.**

**4. PUBLIC HEARINGS**

**NOTICE TO THE PUBLIC**

Generally, the Public Hearing items are considered by the Planning Commission in the order in which they appear on the agenda. However, please be advised that the Commission may take items out of order to facilitate the agenda, such as to accommodate significant public testimony, or may defer discussion of items to later agendas for public hearing time management purposes.

- a. **ORDINANCE AMENDMENT**. An Ordinance of the City of San José Amending Chapter 20.70, Section 20.70.010, of Title 20 of the San José Municipal Code to expand the area to which the downtown zoning regulations apply to include the area bounded by Fourth Street, St. John Street, Seventh Street, and San Fernando Street, and to make other related technical or clarifying changes. CEQA: Final San José Downtown Strategy 2000 Environmental Impact report (EIR), Resolution No.: 72767. *PROJECT MANAGER, E.SAMONSKY*

**DEFERRED TO 05/14/2008 (5-0-2)**

- b. [CP07-085](#). Conditional Use Permit request to allow a 2,950 sq. ft. expansion of a ministry center at an existing church on a 3.19 gross acres site in the R-1-8 Single-Family Residence Zoning District, located on the southeast corner of Cottle Road and Curie Drive (366 St. Julie Drive)(Roman Catholic Bishop of San José, Owner). Council District 2. SNI: None. CEQA: Exempt. Continued from 04/09/2008. *PROJECT MANAGER, M.ENDERBY*

**APPROVED (5-0-2)**

- c. [CP07-101](#). Conditional use Permit to construct a four-story 69-unit residential care and service facility (senior assisted living) with a below grade parking garage on a 0.5 gross acre site in the CP Pedestrian Commercial Zoning District, located on the southwest corner of Bascom Avenue and Surrey Place (2517 S. Bascom Ave)(Lena Basso Trustee & et al, Owner; Sunrise Senior Living, Developer). Council District 9. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, M.DAVIS*

**DEFERRED TO 05/07/2008 (5-0-2)**

- d. [PDC07-033](#). Planned Development Rezoning from R-1-5(PD) Planned Development Zoning District and A – Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 379 single-family attached residences and 30,000 square feet for commercial uses, the demolition of one single-family residence and nine accessory structures, and the preservation/relocation of one single-family residence and one fruit stand on a 20.18 gross acres site, located on the southeast corner of Berryessa Road and Jackson Avenue (Pepper Lane Berryessa LLC & Myra Reinhard, Owners; Pulte Home Corporation, Developer). Council District 4. SNI: None. CEQA: Mitigated Negative Declaration. *PROJECT MANAGER, R.MATHEW*

**DEFERRED TO 05/14/2008 (5-0-2)**

- e. [PDC06-094](#). Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 250 single-family attached residences in three-story buildings constructed at-grade and on a podium on a 4.4 gross acre site, located at the southwest corner of Cinnabar Street and Stockton Avenue (345 STOCKTON AV) (381 Stockton LLC, Owner; Morrison Park Homes LLC Bruce Fairty, Developer). Council District 6. SNI: None. CEQA: Draft Mitigated Negative Declaration. *PROJECT MANAGER, L.MCMORROW*

**DEFERRED TO 05/07/2008 (5-0-2)**

**5. CONTINUE THE PLANNING COMMISSION SPRING 2008 HEARING ON GENERAL PLAN AMENDMENTS**

**6. GENERAL PLAN CONSENT CALENDAR**

- a. [GP08-T-02](#). General Plan amendment request to revise the text of the General Plan to allow a change in the maximum building height from 120 feet to 210 feet above ground level on an approximately 14.1-acre site located at the southeast corner of State Route 237 and North First Street (101 Holger Way)(MFP/Hunter@First Office Partners, LLC, Owner/Applicant) Council District: 4. SNI: None. CEQA: North San José EIR Resolution No.72768, and Addenda thereto. *PROJECT MANAGER, C.BURTON*

**RECOMMENDED APPROVAL (5-0-2)**

- b. **GP08-T-03**. General Plan text amendment request to amend the *San José 2020 General Plan* text of the Discretionary Alternate Use Policies to allow on sites that are two acres or smaller in size the following alternate uses: 1) with an industrial land use designation, commercial uses; 2) with a residential land use designation, commercial uses if the site is in an existing commercial zoning district; 3) with a commercial land use designation, mixed commercial and residential uses or exclusively residential uses if the site is adjacent on at least two sides to residentially designated land; 4) increasing the density bonus for a development that provides units for Extremely Low Income households. (City of San José, Owner/Applicant) Council District: Citywide. SNI: Citywide CEQA: Addendum to San José 2020 General Plan Environmental Impact Report Resolution No. 65459. *PROJECT MANAGER, J.NUSBAUM*

**RECOMMENDED APPROVAL (4-0-2-1)**

- c. **GP08-T-05**. General Plan text amendment request to revise the *San José 2020 General Plan* to amend urban forest policies consistent with San José's Green Vision and existing City tree ordinances, programs, and policies, to augment the existing text related to the benefits, importance, conservation, maintenance and preservation of the urban forest, and to expand the vision for the City's urban forest. (City of San José, Owner/Applicant) Council District: Citywide SNI: Citywide. CEQA: San José 2020 General Plan Environmental Impact Report Resolution No. 65459. *PROJECT MANAGER, R.ROBERTS*

**RECOMMENDED APPROVAL (5-0-2)**

- d. **GP07-04-02**. General Plan amendment request to change the Land Use/Transportation Diagram designation from Industrial Park to Combined Industrial/Commercial on an 8.5-acre site located on the northwest corner of Brokaw Road and Oakland Road (1015 and 1075 East Brokaw Road)(Dollinger Properties, Owner/Applicant) Council District: 4 SNI: None. CEQA: Addendum to North José EIR. *PROJECT MANAGER, E.SCHREINER*

**RECOMMENDED APPROVAL (5-0-2)**

- e. **GP08-01-01**. General Plan amendment request to change the San José 2020 General Plan Land Use/Transportation Diagram designation from Medium High Density Residential (12-25 DU/AC) to General Commercial on a 1.45-acre site located on the east side of San Tomas Expressway approximately 680 feet southerly of Stevens Creek Boulevard (3566 Stevens Creek Boulevard)(City of San Jose, Applicant/Kenneth and Alice C. Kerley, Owners) Council District: 1 SNI: None. CEQA: Addendum to Negative Declaration for PDC83-063. *PROJECT MANAGER, E.SCHREINER*

**RECOMMENDED APPROVAL (5-0-2)**

**7. GENERAL PLAN PUBLIC HEARING CALENDAR**

- a. The project being considered is on an approximately 3.2-acre site located at the northeasterly quadrant of the intersection of Piercy Road and Silicon Valley Road (formerly Tenant Avenue) (0 Piercy Road). (Barbaccia Investments, Owner/Jack Previte Applicant) Council District: 2. SNI: None. CEQA: Negative Declaration. *PROJECT MANAGER, A.TAI*

- 1) **UGB06-001**. Proposal to modify the City's Greenline/Urban Growth Boundary (UGB) to include approximately 3.2 acres of unincorporated territory located at the northeasterly quadrant of the intersection of Piercy Road and Silicon Valley Road.

**RECOMMENDED APPROVAL (4-1-2)**

- 2) **GP06-02-02**. General Plan amendment and Urban Service Area (USA) expansion request to change the General Plan land use designation from Rural Residential (0.2 dwelling units per acre) to High Density Residential (25-50 dwelling units per acre) on an approximately 3.2-acre site.

**RECOMMENDED DENIAL (5-0-2)**

- b. **GP07-03-04 / GPT07-03-04**. General Plan amendment and text amendment to change the Jackson-Taylor Planned Residential Community Specific Land Use Plan diagram and text in the San José 2020 General Plan from Mixed Use 2 and Public Park/Open Space to Mixed Use 2A to allow (1) up to 600 multiple-dwelling units, (2) 16,000 to 30,000 square feet of ground-floor retail space, (3) 10,000 to 20,000 square feet of community amenity space, (4) up to 900 underground parking spaces with limited surface parking, and (5) an increase in height from 65 to 175 feet, and to revise the text of the Mixed Use designation in the Jackson Taylor Residential Strategy to indicate a density of up to 160 du/ac with a mix of retail and community amenities, and a height limit of 175 feet on the 5.78 acre site located on the block bounded by East Jackson Street, North 6th Street, East Taylor Street, and North 7th Street.  
*PROJECT MANAGER, L.MCMORROW*

- 1) **Certification of Final Environmental Impact Report (EIR)** prepared for Japantown Corporation Yard Redevelopment Project (File Nos. (1) GP07-03-04/GPT07-03-04, (2) PDC07-073 and (3) PDC08-010): **1.** General Plan amendment and text amendment to change the Jackson-Taylor Planned Residential Community Specific Land Use Plan diagram and text in the San José 2020 General Plan from Mixed Use 2 and Public Park/Open Space to Mixed Use 2A to allow (1) up to 600 multiple-dwelling units, (2) 16,000 to 30,000 square feet of ground-floor retail space, (3) 10,000 to 20,000 square feet of community amenity space, (4) up to 900 underground parking spaces with limited surface parking, and (5) an increase in height from 65 to 175 feet, and to revise the text of the Mixed Use designation in the Jackson Taylor Residential Strategy to indicate a density of up to 160 du/ac with a mix of retail and community amenities, and a height limit of 175 feet; **2.** Planned Development Rezoning from the LI Light Industrial Zoning District to the A(PD) Planned Development Zoning District to allow up to 600 single-family attached residential units; up to 30,000 square feet of commercial uses; and a public park and community center containing 10,000 square feet on the 5.78-acre site located on the block bounded by East Jackson Street, North 6th Street, East Taylor Street, and North 7th Street; and **3.** Planned Development Rezoning from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 85 affordable senior housing units on a 0.55 acre site located on the west side of North 6th Street, approximately 200 feet south of East Taylor Street. Council District: 3.

**CERTIFIED ENVIRONMENTAL IMPACT REPORT (5-0-2)**

- 2) **GP07-03-04 / GPT07-03-04**. General Plan amendment and text amendment to change the Jackson-Taylor Planned Residential Community Specific Land Use Plan diagram and text in the San José 2020 General Plan from Mixed Use 2 and Public Park/Open Space to Mixed Use 2A to allow (1) up to 600 multiple-dwelling units, (2) 16,000 to 30,000 square feet of ground-floor retail space, (3) 10,000 to 20,000 square feet of community amenity

space, (4) up to 900 underground parking spaces with limited surface parking, and (5) an increase in height from 65 to 175 feet, and to revise the text of the Mixed Use designation in the Jackson Taylor Residential Strategy to indicate a density of up to 160 du/ac with a mix of retail and community amenities, and a height limit of 175 feet on the 5.78-acre site.

### **RECOMMENDED APPROVAL (5-0-2)**

- c. **GP07-03-05**. General Plan and Specific Plan amendment request to change the Jackson-Taylor Planned Residential Community Specific Land Use Plan diagram from High Density Residential (25-50 DU/AC) to Medium High Density Residential (12-25 DU/AC) on a 2.2-acre site located at the southeast corner of North 10<sup>th</sup> and East Mission Streets in the Jackson-Taylor Planned Residential Community. *PROJECT MANAGER, E.SAMONSKY*

### **FAILED TO PASS A MOTION**

## **8. APPROVAL OF PLANNING COMMISSION RECOMMENDATIONS OF SPRING 2008 GENERAL PLAN AMENDMENTS FROM MARCH 26, 2008 THROUGH APRIL 21, 2008.**

## **9. PETITIONS AND COMMUNICATIONS**

- a. Public comments to the Planning Commission on nonagendized items. Please fill out a speaker's card and give it to the technician. Each member of the public may address the Commission for up to three minutes. The commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Planning Commission is limited to the following options:
- 1) Responding to statements made or questions posed by members of the public; or
  - 2) Requesting staff to report back on a matter at a subsequent meeting; or
  - 3) Directing staff to place the item on a future agenda.

## **10. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES**

## **11. GOOD AND WELFARE**

- a. Report from City Council
- b. Commissioners' report from Committees:
- 1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).



- 2) Coyote Valley Specific Plan (Platten).
  - 3) Parks Funding Subcommittee (Zito).
  - 4) Envision San José 2040 General Plan Update Process (Kamkar).
- c. Review of synopsis for 04/09/08.
  - d. Consider Study Session dates and/or topics.

## **12. ADJOURNMENT**



## **2008 PLANNING COMMISSION MEETING SCHEDULE**

Date	Time	Type of Meeting	Location
January 16	6:30 p.m.	Regular Meeting	Council Chambers
January 30	6:30 p.m.	Regular Meeting	W118 & W119
February 13	5:00 p.m.	Study Session <i>Review &amp; Comment: Planning Department Website</i>	Room T-332
February 13	6:30 p.m.	Regular Meeting	Council Chambers
February 27	5:00 p.m.	Study Session <i>CEQA: Reviewing Environmental Impact Reports</i>	Room T-332
February 27	6:30 p.m.	Regular Meeting	Council Chambers
March 12	5:00 p.m.	Study Session <i>North San José</i>	Room T-332
March 12	6:30 p.m.	Regular Meeting	Council Chambers
March 26	5:00 p.m.	Study Session <i>Green Vision/Develop City Policy</i>	Room T-332
March 26	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 9	5:00 p.m.	Study Session <i>Riparian Corridor Policy</i>	Room T-332
April 9	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 21 (Monday)	5:00 p.m.	Study Session <i>Inclusionary Housing &amp; Housing Element</i>	Room T-332
April 21 (MONDAY)	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
May 7	5:00 p.m.	Study Session <i>Capital Improvement Program</i>	Room T-332
May 7	6:30 p.m.	Regular Meeting	Council Chambers
May 14	6:30 p.m.	Regular Meeting	Council Chambers
May 28	6:30 p.m.	Regular Meeting	Council Chambers
June 11	6:30 p.m.	Regular Meeting	Council Chambers
June 25	6:30 p.m.	Regular Meeting	Council Chambers
July 16	6:30 p.m.	Regular Meeting	Council Chambers
August 6	6:30 p.m.	Regular Meeting	Council Chambers
August 20	6:30 p.m.	Regular Meeting	Council Chambers
September 10	6:30 p.m.	Regular Meeting	Council Chambers
September 24	6:30 p.m.	Regular Meeting	Council Chambers
October 8	6:30 p.m.	Regular Meeting	Council Chambers
October 22	6:30 p.m.	Regular Meeting	Council Chambers
November 5	6:30 p.m.	Regular Meeting	Council Chambers
November 19	6:30 p.m.	Regular Meeting	Council Chambers
December 3	6:30 p.m.	Regular Meeting	Council Chambers
December 10	6:30 p.m.	Regular Meeting	Council Chambers

## **CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS**

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

### **1. Public Meeting Decorum:**

- a) Persons in the audience will refrain from behavior, which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

### **2. Signs, Objects or Symbolic Material:**

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
  - No objects will be larger than 2 feet by 3 feet.
  - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
  - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN  
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.